

Page 1

U.S. DEPARTMENT OF ENERGY
YUCCA MOUNTAIN PROJECT

REPORTER'S TRANSCRIPT OF PUBLIC COMMENTS

Caliente Rail Corridor Environmental Impact
Statement (EIS)
Public Scoping Meeting

Wednesday, May 12, 2004
4:00 p.m. to 8:00 p.m.
University of Nevada - Reno
Lawlor Event Center
Silver and Blue Room
15th & North Virginia
Reno, Nevada

Reported by: Jane V. Michaels, RPR
NV CCR No. 601
CA CSR No. 10660

Page 2

MS. PILLARD: My name is Ellen Pillard. I have several concerns about both the shipment of nuclear waste through Nevada to Yucca Mountain and the actual storage.

My big concern about the rail corridor is some of the areas it's going through are prospective wilderness areas. Also, there is a vast underground water reservoir that, in fact, Las Vegas is considering for their drinking water. And if there were a nuclear accident actually from where it enters the state to the test site, it could well jeopardize the groundwater system.

That leads to another concern I have, and that is the safety of the casks that will be on the rail line. I think they should meet a two-fail test, that is, tested until they see what it takes for them to fail so we know -- rather than test them to see if they can stand -- and I'm obviously not a scientist here -- a certain amount of pressure or percussion, I think they should be tested to a failure.

And my other concern -- although it's of the rail line as I see it on the map, the proposed rail line is not through very many populated areas -- is that there be resources and expertise provided to local responders in case there was an emergency.

Page 3

As I say, one of the biggest concerns I have is that if there were an accident, it would seep into the ground and get into what many people consider to be an underground ocean -- it's hard to believe in the desert -- and that they would train responders to have the resources available to deal with the underground water resources as well as on the surface. That's it.

MR. FULKERSON: My name is Bob Fulkerson. I live [REDACTED] I started fighting this nuclear waste dump 20 years ago when I was the Executive Director of Citizens Alert. And here we are 20 years later still fighting it with still many of the same issues.

But this started much earlier than 20 years. We go back to the above-ground nuclear bomb testing days of the Atomic Energy Commission, who in 1951 when they first came to our state and started blowing up bombs above-ground said, "Don't worry about the radioactive fallout. It's safe if you get in any of that stuff. Just wipe it off. Go inside. It's safe." They knew full well then the problems associated with radioactivity and cancer.

And all they have to do is look downwind in St. George, Utah and Ely and other places and that

Page 4

northeast quadrant from the Nevada test site to look at the premature cancers and deaths and infant mortalities from problems associated with their above-ground testing program.

The bottom line is that Nevadans were used as guinea pigs for their nuclear experiments then, and they want to use Nevadans as guinea pigs for their latest nuclear experiment, which is Yucca Mountain. And it is an experiment because it has never been done before. They need guinea pigs, and they think Nevadans are stupid enough to do this. Certain members of our Republican assembly are ill informed to want to start caving in now, but the vast majority of Nevadans are going to continue to fight this.

With respect to nuclear waste transportation and this rail route, the Department of Energy tells us it's totally safe, and we just need to look historically at how many technological marvels were pronounced safe by the so-called experts.

Starting with Titanic, going on to the Apollo moon rockets, to the space shuttle, to 3-Mile Island, to Chernobyl -- all of these things were pronounced safe. All of them ended up with bitter and painful disasters.

Yucca Mountain transportation of nuclear

1 (Pages 1 to 4)

<p style="text-align: right;">Page 5</p> <p>1 waste will end in the same way. If we were perfect, 2 if we were Godlike, we could do it safely. But we're 3 human beings and we make mistakes. The Department of 4 Energy doesn't think they're human beings, that they 5 do make mistakes. 6 But I got news for them. This whole 7 process has been a sham, a scam, a flimflam. And they 8 have guised political expediency as science. It's 9 like trying to pull the veil over our eyes that this 10 is a scientific process. 11 In fact, it's been a political one to 12 grease the skids to build this dump in Nevada all 13 along. And people in Nevada realize that. And we're 14 not taking it lying down. We're fighting it with 15 everything that we have. 16 But the Department of Energy's been very 17 skillful at keeping down dissent. Case in point are 18 these sham so-called hearings they're doing on this 19 EIS. We're used to having real public hearings where 20 the public speaks. Not these kinds of Guantanamo Bay 21 closed-door-type, secretive-type things that are 22 happening right now. This is not an open public 23 hearing. This is designed to keep public dissent 24 down. And we think that is all in-line with the sham 25 that the Department of Energy's been running here</p>	<p style="text-align: right;">Page 7</p> <p>1 Department of Energy did its environmental impact 2 statement then. So we'd like to see a more complete 3 process in the future. 4 In preparing the EIS, we would like to see 5 a complete analysis of alternatives, particularly the 6 no-action alternative, which would mean mostly truck 7 shipments. Also, the no-action alternative might also 8 consider the heavy-haul possibilities as well as 9 legal-weight truck intermodal with rail. So that 10 complete discussion should be there. 11 We'd like to see a full evaluation of the 12 Carlin route under the alternatives and other routes 13 or configurations that have either been discarded at 14 some point, addressed, or other routes that have not 15 been considered yet. So a reexamination of the 16 alternatives to this particular corridor as part of 17 the EIS process. 18 We'd also like to see a scoping report 19 prepared. And in that scoping report we want there to 20 be a full verbatim transcript of all public comments, 21 and the public comments should be available to the 22 public in the Department of Energy's reading rooms and 23 on-line as soon as possible, as soon as is reasonable. 24 We also would like to know in the 25 decision-making process what constitutes a failure of</p>
<p style="text-align: right;">Page 6</p> <p>1 since day one. 2 We have a Governor, Kenny Guinn, who is 3 adamantly opposed to this. His Democratic 4 predecessors in the Governor's office were adamantly 5 opposed to this. Both houses of our legislature are 6 opposed to this. Our entire congressional delegation 7 is opposed to this. And the majority of Nevadans are 8 opposed to this. And the fact of the matter is that 9 this dump will not get built. 10 MR. HADDER: My name is John Hadder, 11 representing Citizen Alert here in Reno. I have 12 several comments on this EIS and the process. 13 First of all, Citizen Alert does not like 14 the way this is set up. We would like to see an 15 opportunity for the public to hear other people's 16 comments and other people's questions in an open 17 forum. And we think that this method does not 18 maximize getting comments from the public. So we see 19 it as incomplete. 20 Also, we think the DOE should have made in 21 that same time period a presentation on changes to the 22 rail scenario and motivation for choosing this 23 particular route up-front because otherwise members of 24 the public, unless they ask just the right question, 25 may not know what has changed since 2002 when the</p>	<p style="text-align: right;">Page 8</p> <p>1 the Caliente route, what would be a finding that would 2 discard this option. 3 We also feel as though there needs to be an 4 analysis of the risks associated with accidents and 5 terrorism, and the national scheme has to be 6 reevaluated. 7 It is our understanding that there are 8 changes in how the transportation scheme might be 9 implemented from 2002, one being the possibility that 10 younger fuel will be shipped. The final EIS for 2000 11 analyzes for, we think, 26-year-old and 10-year-old 12 fuel, and we're understanding that there may be a 13 possibility of 5-year-old fuel that gets shipped and 14 would then require a reanalysis of accident risks 15 associated with routine exposure, various accidents, 16 and possible terrorist attacks as well. 17 We also think that there should be a 18 description of the casks to be used. It's not clear 19 at this point that the design that has been discussed 20 is still what will be used in the future. And indeed 21 if younger fuel is used, then it would seem like 22 different types of casks may also have to be used as 23 well. And that may change the analysis as well. 24 We also, within the EIS under NEPA, feel 25 there should be a complete discussion of the nuts and</p>

<p style="text-align: right;">Page 9</p> <p>1 bolts on route selection -- how is it selected, what 2 are the factors -- a complete discussion of how are 3 they going to do it. 4 What are the technical specifications for 5 the lines, transportation rail lines in particular, 6 that are required for the routes and, in particular, 7 for the Caliente Corridor? What kind of monitoring is 8 there going to be used for the shipments? Is there 9 going to be a continuous monitoring of the shipments, 10 or is there only going to be intermittent 11 communication between members -- people on the train 12 and DOE outside of the train. So continuous 13 monitoring versus intermittent. 14 Also, in terms of risks of accidents, there 15 are some existing aspects of continuing the rail 16 routes that need to be considered. The worst-case 17 scenario accident in Nevada in the EIS that was 18 prepared 2002 indicated that the scenario for Nevada 19 is no different than outside of Nevada. 20 And we feel like there are some specific 21 conditions in Nevada which would make it unique. Some 22 being the existence of numerous tunnels, more tunnels, 23 per mile than outside of Nevada. The possibility of 24 earthquake risks. 25 Also, the existence of pipelines near</p>	<p style="text-align: right;">Page 11</p> <p>1 needs to be redone. If the Department of Energy were 2 to follow exactly the NRC guidelines for 3 transportation of private fuel, then the existing 4 analysis is probably okay. However, it's not clear 5 that that is going to be the case. So we feel like 6 that needs to be readdressed along with other issues 7 such as, are the waste shipments going to be on 8 dedicated trains? This rail spur, Caliente spur, 9 would it be used for anything besides nuclear waste 10 shipments? That needs to be addressed also. 11 We think there needs to be a full 12 discussion on the cost of cleanup of a serious 13 accident in a rural area and in an urban setting as 14 well. Even though there are only 6 or 7 percent of 15 shipments that may be coming through Vegas -- it could 16 be as high as 8 or 9 percent -- but in either case 17 that discussion of cleanup in an urban scenario needs 18 to be addressed. 19 Some of the impact categories that we 20 definitely want to make sure are addressed are, of 21 course, concerns around the ranching. What are the 22 speeds of the trains that are going to be going 23 through? Are they going to go 50 or 60 miles per 24 hour? Are they going to go slower? There are some 25 instances where they might be traveling at 75 miles</p>
<p style="text-align: right;">Page 10</p> <p>1 around transportation routes, military activities, is 2 another unique condition. Overflights or other 3 military shipments, would they also be on this line, 4 the same line the DOE is considering constructing? 5 Or, if not, how would they intersect with these waste 6 shipments? 7 So we think those are some things that make 8 it unique and worthy of special consideration in a 9 worst-case scenario accident. As well as, in 10 particular, the Caliente route that's being considered 11 for this EIS has many sharp turns, steep grades, 12 possibility of routine runaway-type scenarios, which 13 we think should require special consideration. 14 So due to the uniqueness of the 15 configuration here in Nevada, we think that those 16 accident risk analyses should be redone and it's not 17 like the other areas of the United States. 18 We'd also like to see this EIS reopen the 19 issue of reasonable risk mitigation in human factors, 20 in the design of the casks, the operations and 21 protocols on the shipments. It's not entirely clear 22 at this time whether the Department of Energy will 23 follow the NRC guidelines for the shipment of 24 privately owned spent fuel. 25 The analysis of human factors we think</p>	<p style="text-align: right;">Page 12</p> <p>1 per hour. Is that true? Is that a possibility? 2 What are the issues around fencing to 3 protect livestock. Is there a scenario of 4 superelevating the bed to avoid interaction with 5 livestock? So there's categories and issues around 6 ranching. 7 Another area of consideration should be 8 wilderness. What environmental resources will be 9 impacted by these wilderness areas, wildlife, 10 endangered species, species that are not yet listed as 11 endangered but could be affected. 12 Also under environmental concerns are water 13 issues, this rail line, how will it impact the 14 watersheds? Is it going to be traveling through? 15 Will it divide flow of surface waters in any way or 16 change their course? Often trains drop a certain 17 amount of diesel fuel on the tracks themselves. So 18 they should consider contamination of the water 19 systems as a result of the trains. 20 Another impact category might be mining. 21 Potential oil deposits in railroad valley. It's a 22 possibility there. Yet unclaimed sites that may be 23 viable for mining and other mining claims that are out 24 there. Some consideration how this will impact that 25 aspect.</p>

<p style="text-align: right;">Page 13</p> <p>1 Also, there are native American issues, 2 both Shoshone and Southern Pahute. This is a 3 traditional area for these people. And how the 4 railroad will impact potential cultural sites, 5 archaeological sites, or sacred sites in the area. 6 As well as portions of this railroad will 7 also pass through the area designated by the treaty of 8 Ruby Valley. And what consultation is the Department 9 of Energy doing with the Western Shoshone on this path 10 through their treaty land. 11 Even though this rail spur doesn't go 12 directly through Las Vegas, it may still impact 13 Las Vegas. So we want them to possibly address 14 impacts to Las Vegas. 15 Also, the decision to use the Caliente 16 Corridor, in what way will this affect the national 17 transportation scheme across the country? Will it 18 impact any of those routes or make changes to those 19 routes? And, if so, that analysis should be done. 20 Also, what those changes are and how that will affect 21 the impacts nationally. 22 Another issue that you need to address is 23 who is going to enforce safety on these rail lines. 24 There's the Public Utilities Commission. There's the 25 Federal Railroad Association. There's the Nevada</p>	<p style="text-align: right;">Page 15</p> <p>1 REPORTER'S CERTIFICATE 2 3 STATE OF NEVADA) 4) ss 5 COUNTY OF CLARK) 6 I, Jane V. Michaels, Certified Shorthand 7 Reporter, do hereby certify that I took down in 8 Stenotype all of the proceedings had in the 9 before-entitled matter at the time and place indicated 10 and that thereafter said shorthand notes were 11 transcribed into typewriting at and under my direction 12 and supervision and that the foregoing transcript 13 constitutes a full, true and accurate record of the 14 proceedings had. 15 IN WITNESS WHEREOF, I have hereunto set my 16 hand and affixed my official seal of office in the 17 County of Clark, State of Nevada, this 17th day 18 of May, 2004. 19 20 21 22 23 Jane V. Michaels, RPR 24 NV CCR No. 601 25 CA CSR No. 10660</p>
<p style="text-align: right;">Page 14</p> <p>1 Department of Transportation. So who's in charge of 2 the safety issues? How is that going to be 3 administered? 4 We would also like to see a full disclosure 5 of the Price-Anderson Act and how it would apply, not 6 only for the Caliente spur but in general. Under the 7 scenario of routine operating of the trains, accident 8 scenarios, terrorism scenarios, are there any 9 limitations with Price-Anderson? Implementation 10 through limitations between DOE and contractor 11 agreements. Do any of those agreements impact the 12 Price-Anderson Act? 13 Those are all my comments I have at this 14 time. The Citizen Alert will also be submitting 15 comments in writing as well. 16 (Thereupon, the proceedings 17 were adjourned.) 18 19 20 21 22 23 24 25</p>	